

REMARKS

Claims 1-23 and 35-42 are currently pending in the present application. Claims 16-18 are withdrawn from further consideration as being directed to a non-elected species. Claims 1, 10, 11, 13, 20, 22, 37-39 and 42 have been amended to merely clarify the subject matter according to the Examiner's suggestions. Thus, no new matter is added.

No new issues have been raised which would require additional search and/or consideration on the part of the Examiner. For instance, Applicants are simply relying upon the language suggested by the Examiner, which have already been searched and considered. In the event that the present submission does not place the application into condition for allowance, entry thereof is respectfully requested as placing the application into better form for appeal.

Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Therefore, indication thereof by the Examiner in the next Office Action is respectfully requested.

Drawings

Figures 1 and 3 have been resubmitted herewith to more clearly define reference numeral 11. No new matter has been added.

These changes only exist for clarification. Specifically, the arrow position of a reference numeral 11 representing a first opening part has been amended to more accurately indicate the same opening part. The present submission is supported by Fig. 2 and the present specification at page 11. Thus, no new matter has been added.

Objection to the Claims

Claims 1, 11, 13 and 20 are objected to for containing minor informalities. In response, Applicants have amended claims 1, 11, 13 and 20 as suggested by the Examiner. As such, withdrawal of the objection is respectfully requested.

Issue under 35 U.S.C. § 112, first paragraph, New matter

Claims 1-15, 19-23 and 34-42 are rejected under 35 U.S.C. § 112, first paragraph for containing new matter. Applicants respectfully traverse the rejection.

While not conceding to the Examiner's rejection, but to merely advance prosecution only, Applicants have adopted the Examiner's suggestions. Thus, the limitation of "which extends out of the syringe" in claims 1 and 11 has been replaced with the limitation of "which couples to one of the first and second opening parts". By way of the present submission, this rejection is rendered moot.

Issues under 35 U.S.C. §112, second paragraph, Indefiniteness

The Examiner has rejected claims 1-15, 19-23 and 34-42 under 35 U.S.C. §112, second paragraph as being indefinite. This rejection is respectfully traversed.

While not acquiescing to the Examiner's rejection, in an effort to expedite prosecution only, the disputed claims have been properly amended to overcome this rejection.

Hereinafter, Applicants respond to the Examiner's rejections using the section numbers of the outstanding Office Action.

10. Claim 1 or 11 reciting the phrase “a solid phase comprising an organic polymer having a hydroxyl group on the surface thereof is accommodated in said solid phase-holding member” has been changed to recite “a solid phase comprising an organic polymer having a hydroxyl group on the surface thereof, **wherein the solid phase is** accommodated in said solid phase-holding member” (emphasis added).

11. The Examiner questions why a solid phase can be located only at the first opening part of the cylindrical syringe in considering how claim 1 or 11 does not require that the solid phase-holding member is inside of the cylindrical syringe.

Applicants respectfully submit that the solid phase-holding member 7 is connected to the leading end part 9 of the syringe 3. Thus, the solid phase 45 in the solid phase-holding member 7 is located only at the first opening part 11 of the syringe 3. See Figs. 1 and 3. This explanation is believed to resolve the Examiner’s question.

12 & 20. The Examiner indicates that claims 2, 3 and 37 as well as claims 39, 40 and 41 do not correspond with claim 1 as well as claim 11, respectively as to the “cylindrical syringe” and “pressure difference-generating apparatus”.

As correctly understood by the Examiner, the cylindrical syringe and the pressure difference-generating apparatus are independent components.

As recited in claims 1, 11, 37 and 39, the pressure difference-generating apparatus 5 couples to one of the first and second opening parts 11, 17 of the syringe 3 (claims 1 and 11) and comprises a plunger 31 extending from the second opening part side into the accommodation

part 19 of syringe 3 when the plunger 31 is plunged into the accommodation part 19 (claims 37 and 39) (emphasis added). Therefore, the cylindrical syringe 3 and the pressure difference-generating apparatus 5 are distinct members and connected to each other by the opening of syringe. See Figs. 1 and 2. Accordingly, claims 1, 2 and 3 (depending from claim 27), and claim 37 correspond with each other. Further, in the same context, claims 11 and 39-41 corresponds with each other.

To further clarify, a plunger in claims 37 and 39 has been amended to recite “a plunger extending from said second opening part into said accommodation part in a state when the plunger is plunged into the accommodation part”.

13. As correctly pointed out by the Examiner, since claims 1 and 11 recite “the accommodation part being able to hold a sample solution” respectively, i.e., claims 1 and 11 do not require that the accommodation part must contain a sample solution.

To clarify, the term “is sensed by” of claim 13 has been changed to “can be sensed by”.

14 & 16. The Examiner indicates that claims 20 and 22, depending on claim 1 indirectly, are not clear as to whether a pressure sensor of claims 20 or 22 is identical to that of claim 1.

To clarify this, “a pressure sensor” in claims 20 and 22 has been changed to “the pressure sensor”.

15. The Examiner indicates that since step (d) does not require discharging the sample solution, claim 20 is indefinite.

To address this rejection, claim 20 has been amended to recite “wherein in steps (b), (d) and (f), the pressure sensor capable of detecting the pressure in the accommodation part is used to monitor the pressure in the accommodation part to sense the discharge of the sample solution in step (b), the nucleic acid washing buffer in step (d) or the liquid capable of desorbing nucleic acids in step (e) in the accommodation part by a pressure change, and wherein steps (c) and (e) start after sensing the discharge of the sample solution in step (b) or the nucleic acid washing buffer in step (d).”

17 & 18. Claim 34 is cancelled.

19. The Examiner indicates that claim 39 or 42 depending on claim 1 indirectly fails to have sufficient antecedent basis requirement.

These claims have been amended to have sufficient antecedent basis.

As discussed above, the §112, second paragraph rejection is believed to overcome by way of the present amendments.

CONCLUSION


In view of the above amendments and Remarks, Applicants believe that the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq., Reg. No. 43,575, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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Attachments: Figures 1 and 3